

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32346 of 2016

and

WMP.No.28076 of 2016

A.Govindaraj

...Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation
Limited (TASMAC), Gandhi Irwin Road,
Egmore, Chennai-8.
2. The Senior Grade Regional Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC), Salem.
3. The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC), Ranipet,
Vellore District.

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Na.Ka.No.A2/1291.CV/13 dated 06.11.2013 passed by the 3rd respondent confirming order passed by the 2nd respondent in Se.Mu.No.3215/2015/A dated 28.09.2015 and quash the same and consequently, reinstate the petitioner based on the appeal of the petitioner to the 1st respondent dated 25.11.2015.

For Petitioner : Mr.N.S.Kishore Kumar

For Respondent : Mr.B.Nedunchezian

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition challenging the proceedings in Na.Ka.No.A2/1291.CV/13 dated 06.11.2013 passed by the 3rd respondent confirming order passed by the 2nd respondent in Se.Mu.No.3215/2015/A dated 28.09.2015 and quash the same and consequently, reinstate the petitioner based on the appeal of the petitioner to the 1st respondent dated 25.11.2015.

3. The case of the petitioner is that the petitioner was appointed by the respondent Corporation as a Shop Supervisor w.e.f. 01.01.2004 on a monthly consolidated salary of Rs.3,000/-. While the petitioner was working in Shop No.11213, the District Manager, Arakonam and Godown Manager had inspected the said shop on 05.11.2013 and found that there was a sale of Brandy bottle with water mixing. They also found out that against the rules of the Management, one Ms.Shanthi was working in the Bar run by one Mr.Durvasulu. Thereafter, the petitioner was suspended from service w.e.f. 05.11.2013.

4. After four months, he was served with a charge memo dated 13.03.2014 for which the petitioner has submitted his explanation dated 19.05.2014. Not satisfied with the said explanation, the Management has appointed an Enquiry Officer on 19.11.2014 and after concluding the enquiry, the enquiry Officer had submitted his report dated 10.01.2015 to the Management found him guilty. Thereafter, the petitioner was served with a second show cause notice dated 13.03.2015 for which he has given his explanation dated 26.03.2015 denying all the charges. Subsequently, the Management has dismissed the petitioner vide their letter dated 06.04.2015 w.e.f. 08.04.2015 with liberty to appeal before the Senior Regional Manager, Salem.

5. The petitioner has preferred an appeal before the 2nd respondent dated 30.05.2015 to set aside the dismissal order of the 3rd respondent dated 06.04.2015. But the same was rejected. Aggrieved over the same, the petitioner preferred an appeal before the 1st respondent on 25.11.2015 and till now, no orders have been passed on the same. Hence the present Writ Petition.

6. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

7. Considering the facts and circumstances of the case, this Court is of the view that the factual aspects involved in

this matter cannot be resolved by this Court. It is for the Appellate Authority, namely, the 1st respondent, to decide the matter on merits. Therefore, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider and dispose of the appeal filed by the petitioner dated 25.11.2015 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order. It is made clear that this Court has not expressed any opinion regarding the merits of the claim made by the petitioner.

8. With the above direction, the present writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu State Marketing Corporation
Limited (TASMÄC),
Gandhi Irwin Road,
Egmore, Chennai-8.
2. The Senior Grade Regional Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC), Salem.
3. The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC), Ranipet,
Vellore District.

1 CC to Mr.N.S.Kishore Kumar, Advocate, SR.53055

W.P.No.32346 of 2016

RSK (CO)
PSI 06/10/2016